

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION

RESOLUTION NO. R5-2008-0182

APPROVING
WAIVER OF REPORTS OF WASTE DISCHARGE AND
WASTE DISCHARGE REQUIREMENTS
FOR SPECIFIC TYPES OF DISCHARGE
WITHIN THE
CENTRAL VALLEY REGION

The California Regional Water Quality Control Board, Central Valley Region, (hereafter Regional Water Board) finds that:

1. California Water Code (CWC) Section 13260(a) requires that any person discharging waste or proposing to discharge waste within any region that could affect the quality of the waters of the State, other than into a community sewer system, shall file with the appropriate Regional Water Board a Report of Waste Discharge containing such information and data as may be required.
2. The Regional Water Board has a statutory obligation, pursuant to CWC Section 13263, to prescribe waste discharge requirements (WDRs) except where the Regional Water Board finds that a waiver of WDRs for a specific type of discharge is not against the public interest pursuant to CWC Section 13269.
3. CWC Sections 13260(b) and 13269 authorize the Regional Water Board to waive WDRs and Reports of Waste Discharge (RWDs), respectively, for specific types of discharge where such a waiver is not against the public interest, is conditional, and may be terminated by the Regional Water Board at any time.
4. On 1 January 2003, the CWC was amended to require that all new waivers adopted after that date for a specific discharge or type of discharge must be renewed at a minimum of every five years, and that prior to renewing any waiver the Regional Water Board shall review the terms of the waiver at a public hearing and shall determine whether the discharge should instead be subject to general or individual WDRs.
5. In January 2003, the Regional Water Board adopted Resolution No. R5-2003-0008 *Waiver of Reports of Waste Discharge and Waste Discharge Requirements for Specific Types of Discharge Within the Central Valley Region*. Resolution No. R5-2003-0008 waived WDRs, and in some cases RWDs, for 12 specific types of discharge to land. These types of discharge were found to pose little threat to water quality and required little oversight as determined by past effectiveness.
6. The Regional Water Board, in compliance with the CWC, has reviewed the previously issued waivers set forth in Resolution No. R5-2003-0008 and determined that waivers for the following types of discharges to land that pose a low threat to the quality of waters of the State should be renewed:

WAIVER OF RWD AND WDRS FOR SPECIFIC TYPES OF DISCHARGE
WITHIN THE CENTRAL VALLEY REGION

- a. Conditional waiver of WDRs or Water Recycling Requirements (WRRs), but not the requirement to submit RWDs, for:
 - Disposal of dredge material to land, and
 - Water Reclamation for construction purposes and road dust control.
 - b. Conditional waiver of WDRs and in some instances the requirement to submit RWDs, for:
 - Air conditioner, cooling, and elevated temperature waters,
 - Drilling muds/Boring wastes,
 - Inert solid waste disposal,
 - Test pumping of fresh water wells,
 - Swimming pool discharges,
 - Construction dewatering discharges,
 - Hydrostatic testing,
 - Agricultural commodity wastes, and
 - Disposal of residual waste to land as a soil amendment.
7. In 2003, the State Water Resources Control Board (State Water Board) adopted Statewide General Order No. 2003-0003-DWQ for “low-threat” discharges to land. This Statewide General Order was adopted to handle those types of discharges that posed a low threat to water quality, but was not intended to supersede the authority of the Regional Water Boards to issue individual WDRs or conditional waivers.
 8. A review of the Statewide General Order shows that several categories covered by the Order are nearly identical to those covered by Resolution No. R5-2003-0008. For those categories that are also covered by the Statewide General Order, the waiver should only apply to discharges that represent the very lowest threat to water quality. As a result, categories for discharges of drilling muds/boring wastes, inert solid waste disposal, test pumping of fresh water wells, swimming pool discharges, construction dewatering discharges, and hydrostatic testing, are restricted to those instances which represent the lowest threat to water quality.
 9. Waiver of WDRs for discharges from projects requiring Water Quality Certification was dropped from the General Waiver since discharges from dredge and fill activities would be best regulated under Statewide General Order No. 2003-017-DWQ for “Jurisdictional” waters and Order No. 2004-0004-DWQ for “Non-jurisdictional” waters.
 10. The Regional Water Board also reviewed a previously issued waiver for discharges to land from small, short-term sand and gravel operations. This category was included in Resolution No. 82-036, which expired in 2003, but was not included in Resolution No. R5-2003-0008 since a general order for sand and gravel operations was being developed by State Water Board staff. However, that general order was never finalized or adopted. Therefore, conditional waiver of WDRs, but not the requirement to submit a RWD, should be reinstated for the small, short-term sand and gravel operations category.

11. Waiver of the requirement to file RWDs and waiver of WDRs for discharges that will cause no or insignificant impairment to water quality and that pose little risk of creating a nuisance condition are not against the public interest as they reduce the cost of activities that produce innocuous or small amounts of waste, are protective of the environment, and allow Regional Water Board staff to direct resources to address waste discharges that have significant potential to degrade water quality or create nuisance.
12. Waiver of RWDs under a discharge category does not preclude the Executive Officer from requesting a RWD for a specific project as necessary to perform an evaluation of the discharge.
13. Waiver of WDRs and in some instances RWDs for discharge categories covered under the General Waiver for low threat discharges to land, were previously waived under Resolution No. 82-036. As lead agency under the California Environmental Quality Act (Public Resources Code Section 21000, et seq.) (CEQA), the Regional Water Board determined that adoption of Resolution No. 82-036 waiving WDRs for 23 specific discharges to land would not cause a significant environmental impact and, on 23 December 1981, adopted a Negative Declaration. Pursuant to Section 15162 of the CEQA Guidelines, a subsequent environmental impact report or negative declaration is not required.
14. The conditional waiver is consistent with State Water Resources Control Board Resolution No. 68-16 (Statement of Policy with Respect to Maintaining High Quality of Waters in California) in that the waiver of WDRs imposes conditions to prevent impacts to water quality and authorizes no degradation of water quality, will not unreasonably affect beneficial uses of water, and will not result in water quality less than that prescribed in plans and policies.
15. The Regional Water Board conducted a public hearing on 4 December 2008 in Rancho Cordova, California, and considered all testimony and evidence concerning this matter.

THEREFORE BE IT RESOLVED, that in accordance with CWC Section 13269, the Regional Water Board adopts the “*Waiver of Reports of Waste Discharge and Waste Discharge Requirements for Specific Types of Discharge*” as set forth in Attachment A, hereafter informally referred to as the “General Waiver,” and that;

1. The Regional Water Board waives the requirement to obtain WDRs and/or WRRs, and for some instances the requirement to submit a RWD and filing fee, for discharge types that fulfill the conditions set forth in [Attachment A](#) of this Order.
2. Discharges that result from emergency work or emergency projects as described under CWC Section 13269(c) are not affected by this action.
3. Discharge of wastes to wetlands, surface waters, drainage courses, or biologically sensitive areas, is prohibited.

4. Based on the testimony received at the aforementioned hearing, and the above-noted findings, the General Waiver is not against the public interest provided dischargers subject to such waiver:
 - (a) comply with the conditions for waiver of waste discharge requirements as set forth in the General Waiver;
 - (b) file with the Regional Water Board a Report of Waste Discharge and filing fee when required as part of the General Waiver; and
 - (c) comply with applicable State and Regional Water Board plans and policies.
5. For those discharges requiring submittal of a RWD, the discharger must submit the fee specified in Title 23, California Code of Regulations, Section 2200, for a threat to water quality and complexity of "3C".
6. Based on the above-noted findings, it is not necessary at this time to adopt individual or general waste discharge requirements for the discharge of wastes related to the types of discharges identified in Attachment A and are conducted in accordance with the conditions specified in the General Waiver as these types of discharges are considered to be of low threat to water quality and Regional Water Board resources should focus on higher threat discharges.
7. For those categories that are also covered by Statewide General Order No. 2003-0003-DWQ for low threat discharges to land, this waiver shall only apply to those discharges that are of such good quality and of limited volume/duration that coverage under the General Order is not necessary. Specifically:
 - Non-contact cooling water discharges;
 - Drilling muds/Boring wastes;
 - Inert solid waste disposal;
 - Test pumping of fresh water wells;
 - Swimming pool discharges;
 - Construction dewatering discharges; and
 - Hydrostatic testing.
8. The discharge of any waste not specifically regulated by the General Waiver is prohibited unless the discharger complies with CWC Section 13260(a) and the Regional Water Board either issues waste discharge requirements pursuant to CWC Section 13263 or an individual waiver pursuant to CWC Section 13269, or the time frames specified in CWC Section 13264(a) have elapsed.
9. This General Waiver shall not create a vested right and all such discharges shall be considered a privilege, as provided for in CWC Section 13263.

10. Pursuant to CWC Section 13269, this action waiving the issuance of WDRs for certain specific types of discharges: (a) is conditional, (b) may be terminated at any time, (c) does not permit an illegal activity, (d) does not preclude the need for permits which may be required by other local or governmental agencies, and (e) does not preclude the Regional Water Board from administering enforcement remedies (including civil liability) pursuant to the CWC.
11. As provided by CWC Section 13350(a), any person may be civilly liable if that person is in violation of a waiver condition or WDRs, intentionally or negligently discharges waste, or causes waste to be deposited where it is discharged, into the waters of the State or creates a condition of pollution or nuisance.
12. The Executive Officer or Regional Water Board may terminate the applicability of the General Waiver described herein as to any type of discharge or individual discharger at any time when such termination is in the public interest or the activity could affect the quality or beneficial uses of the waters of the State
13. The Regional Water Board may review the General Waiver at any time and may modify or terminate the General Waiver in its entirety, as applicable for a specific type of discharge, or for individual dischargers, as is appropriate.
14. This General Waiver shall expire on [4 December 2013](#), unless terminated or renewed by the Regional Water Board.

I, PAMELA C. CREEDON, Executive Officer, do hereby certify the foregoing is a full, true, and correct copy of a Resolution adopted by the California Regional Water Quality Control Board, Central Valley Region, on 4 December 2008.

PAMELA C. CREEDON, Executive Officer

Order Attachments:

A. Specific Discharges Covered by the General Waiver

Staff Report

kc/DKP: 10/27/08

STAFF REPORT

RESOLUTION NO. R5-2008-0182 WAIVER OF REPORTS OF WASTE DISCHARGE AND WASTE DISCHARGE REQUIREMENTS FOR SPECIFIC TYPES OF DISCHARGE WITHIN THE CENTRAL VALLEY REGION

INTRODUCTION

Section 13263 of the California Water Code (CWC) requires that the Regional Water Board prescribe discharge requirements for discharges of waste that may affect waters of the State. The effect of some of these discharges, by virtue of waste constituent, constituent concentration, and constituent control, however, can be mitigated to have little or no effect on the quality and beneficial uses of waters of the State. Due to limited resources it is in the best interest of the public and the Regional Water Board not to expend inadequate and finite resources on regulating low-risk discharges that, when designed and operated to meet pre-set conditions, will have an insignificant potential to affect water quality or create nuisance. Section 13269 of the CWC authorizes the Regional Water Board to waive waste discharge requirements (WDRs), or to waive the requirement to submit a report of waste discharge (RWDs).

Previously, the Regional Water Board waived WDRs and RWDs for Emergency Use of Treated Wastewater as set forth in Regional Water Board Resolution No. 77-69 and for 23 types of discharges to land that posed a low-threat to water quality as set forth in Regional Water Board Resolution No. 82-036. California State Senate Bill 390 amended the CWC causing all existing waivers to expire as of 1 January 2003 and required review and renewal of any new waivers at least once every five years.

In January 2003, the Regional Water Board reviewed its waivers and adopted a Resolution for *Waiver of Waste Discharge Requirements and Reports of Waste Discharge for Specific Types of Discharge Within the Central Valley Region* (Resolution No. R5-2003-0008 or General Waiver) to replace the expired waivers (Resolution Nos. 77-69 and 82-036). Specifically, Resolution No. R5-2003-0008 waived Water Recycling Requirements (WRRs) for use of recycled water for construction and road dust control and WDRs and in some cases RWDs for 11 of the 23 discharge types covered under Resolution No. 82-036. The remaining discharge categories authorized under Resolution No. 82-036 were not renewed due to lack of demand, because they would be better handled under individual or general WDRs, or because they were covered under a separate program or general order.

Specific discharges covered under Resolution No. R5-2003-0008 were:

1. Air Conditioner, cooling and elevated temperature waters
2. Drilling Muds
3. Minor Dredging Operations
4. Inert Solid Waste Disposal
5. Test Pumping of Fresh Water Wells
6. Swimming Pool Discharges
7. Construction – Dewatering Operations
8. Construction – Hydrostatic Testing
9. Agricultural Commodity Wastes
10. Industrial Wastes Utilized for Soil Amendments
11. Water Reclamation for Construction Projects and Road Dust Control
12. Projects Requiring Water Quality Certification issued by the Regional Water Board

STATEWIDE GENERAL ORDER

In 2003 the State Water Resources Control Board adopted Statewide General Order No. 2003-0003-DWQ for low-threat discharges to land. With the expiration of all waivers on 1 January 2003, many Regions did not have a mechanism in place to regulate low-threat discharges. General Order No. 2003-0003-DWQ was adopted to cover discharges that had been previously covered under such waivers. It was not intended to supersede individual WDRs, general orders, or conditional waivers issued by the Regional Water Boards. The State Water Board did not find that categories covered by the General Order were not still appropriate for waiver.

Several of the categories covered under the Statewide General Order for low threat discharges to land are nearly identical to those included in the Resolution No. R5-2003-0008. Specifically:

- Water Well Development Discharge (Waiver Category 5);
- Monitoring Well Purge Water Discharge (Waiver Category 5);
- Boring Waste Discharge (Waiver Category 2);
- Water Main, Storage Tank, and Hydrant Flushing Discharges (Waiver Category 8);
- Pipelines and Tank Hydrostatic Testing Discharges (Waiver Category 8);
- Swimming Pool and Landscape Drainage Discharges (Waiver Category 6);
- Small Temporary Dewatering Projects (Waiver Category 7);
- Small Inert Solid Waste Disposal Operations (Waiver Category 4); and
- Small Volume Evaporative Cooling Water Discharge (Waiver Category 1).

The Statewide General Order for low threat discharges to land prohibits discharge to surface waters, discharge of hazardous or designated waste, and discharges that cause pollution. The Order specifies that discharges shall not exceed applicable Basin Plan water quality objectives, freeboard in ponds shall be at least two feet, and facilities shall be protected from erosion/flooding and also contains individual provisions specific to some of the categories, which are discussed below.

DISCUSSION

The Regional Water Board, in compliance with CWC Section 13269, reviewed the previously issued waivers set forth in Resolution No. R5-2003-0008 (which expired on 31 January 2008) to determine if the waiver for specific types of discharges that pose a low threat to the quality of waters of the State should be renewed. Based on that review, waiver of WDRs and in some cases RWDs for the following specific discharge types are proposed:

Discharge Categories:

No.	Category	Renewed
1.	Air Conditioner, cooling, and elevated temperature waters *	Yes
2.	Drilling Muds / Boring Wastes *	Yes
3.	Disposal of Dredge Material to Land	Yes
4.	Inert Solid Waste Disposal *	Yes
5.	Test Pumping of Fresh Water Wells *	Yes
6.	Swimming Pool Discharges *	Yes
7.	Construction—Dewatering Discharges	Yes
8.	Hydrostatic Testing *	Yes
9.	Agricultural Commodity Wastes	Yes
10.	Disposal of Residual Wastes to Land as a Soil Amendment (previously “Industrial” Wastes)	Yes
11.	Water Reclamation for Construction Projects and Road Dust Control	Yes
12.	Projects Requiring Water Quality Certification issued by the Regional Water Board	No
13.	Small, Short-Term Sand and Gravel Operations	Recommended to return category to the waiver.

* Categories also covered by Statewide General Order No. 2003-0003-DWQ, but for which the waiver category was retained for those discharges that represent the lowest threat to water quality.

WAIVER CATEGORIES

The following describes each type of discharge. Under the proposed conditions, none of the discharge types represent a source of significant degradation of groundwater or nuisance potential.

For those categories that are also covered by Statewide General Order No. 2003-0003-DWQ for low threat discharges to land, the waiver should only apply to those discharges that represent the very lowest threat to water quality, and in those cases, the waiver should be for both WDRs and RWDs.

- 1. Air Conditioner, Cooling, And Elevated Temperature Waters:** Wastewater generated from air conditioning, cooling, ice making, or refrigeration systems are collectively referred to as cooling water, which includes contact and non-contact cooling waters. Non-contact cooling water refers to cooling water which does not come in contact with any raw material,

intermediate product, waste product, or finished product. Additives, such as metal-containing algacides, are often used in both contact and non-contact cooling water to control algae growth.

For contact cooling water discharges, the waiver of WDRs (but not RWDs) should be continued, provided that:

- Waste constituent concentrations must be comparable to uppermost underlying groundwater (e.g., EC less than or equal to 500 umhos/cm over source water);
- BOD must be consistently less than 30 mg/L without treatment and, if impounded, less than 10 lb/acre/day; and
- If additives are used, provide Material Safety Data Sheets (MSDS) and include an analysis for metals in the RWD, especially if metal-containing algacides are used.

Non-contact cooling water discharges are covered under Statewide General Order 2003-0003-DWQ for low threat discharges to land, but it does not contain any specific requirements for this category. The waiver of WDRs for non-contact cooling water should be renewed for discharges provided that:

- Waste constituent concentrations must be comparable to uppermost underlying groundwater (e.g., EC less than or equal to 500 umhos/cm over source water); and
- If additives are used, provide MSDS and include an analysis for metals in the RWD, especially if metal-containing algacides are used.

The need for a RWD should be waived for non-cooling water discharges that are of such good quality (e.g., no additives including metal-containing algacides) and of limited volume/duration (e.g., one time or limited seasonal discharges).

- 2. Drilling Muds/Boring Wastes:** Drilling muds and boring wastes are generated during drilling as part of a subsurface investigation or well drilling operation and consist of formation sediment, water, and drilling muds. Drilling muds typically consist of bentonite clay or formation fines mixed with water or a non-toxic mineral oil. A variety of additives may be added to the drill mud to handle specific situations encountered during the drilling process. The liquefied soil and rock cuttings from the borings, along with any bentonite, are commonly contained in a portable tank or excavated sump during drilling.

Drilling activities are generally regulated by local agencies such as cities or counties and do not require oversight by the Regional Water Board. Borings associated with oil and gas wells typically pose the highest potential threat to water quality. However, the Department of Oil, Gas, and Geothermal Resources conducts routine inspections of all oil and gas fields as part of its duties and is in regular contact with Regional Water Board staff regarding observed violations or illegal dumping. The Regional Water Board may need to monitor how local agencies oversee drilling activities.

The disposal of drilling muds/boring waste to land is covered under Statewide General Order No. 2003-0003-DWQ for low threat discharges to land.

Due to oversight of drilling operations by local agencies, the waiver of WDRs and RWDs for disposal of drilling muds/boring wastes should be renewed, except in those instances where it is determined that the local oversight will be insufficient to protect water quality, provided that:

- The drilling operations are conducted in uncontaminated soils;
- The discharge is considered “non-hazardous” and does not contain halogenated solvents;
- Buried drilling muds must first be dried then the site restored to pre-sump conditions and covered with at least one foot of clean soil; and
- The bottom of the sump must be at least 5 feet above highest groundwater elevation and at least 100 feet from the nearest surface water.

Drilling operations that require greater oversight than that provided by local agencies should be regulated under the General Order or an individual waiver or WDRs.

- 3. Disposal of Dredge Material to Land (formerly Minor Dredge Operations):** This category covers discharge of dredge material to land from small scale dredging projects such as bridge replacement and construction projects where pilings and abutments must be placed in a stream channel or to restore or increase storage capacity in water storage reservoirs. Minor dredging operations are generally of short duration and disposal of dredge material to land in a controlled manner poses little threat to groundwater quality if essentially free of contaminants that have a potential to cause groundwater degradation. As a condition of this waiver, the dredged material must be nontoxic and discharged to land where it will not erode or deposit sediment into any surface waters or storm drains.

This waiver category covers only the disposal of dredge material to land, and is not associated with the dredging operation itself. In-stream dredging operations are covered by federal regulations under a 404 permit for Waters of the U.S. or by Statewide General Order No. 2004-0004-DWQ for non-Jurisdictional Waters.

The previous waiver (R5-2003-0008) limited the waiver to small-scale (minor) dredging projects involving 1,000 cubic yards or less. However, the original waiver (82-036) did not specify a limit on what would constitute a minor dredging operation. Since this category is for the disposal of material and not the dredging operation, the term “minor” should be interpreted in the context of the disposal, not the dredging. Long-term or major dredging projects involving large volumes of dredge material need to be regulated under an individual waiver or WDRs. The disposal of dredge material under this waiver should be conditional upon the use of best management practices (BMPs) to prevent erosion or runoff conditions from the emplaced sediments, and prohibit the disposal of dredge material in wetland areas or surface water drainage courses. Larger projects or projects with contaminants that have

a greater potential to cause groundwater degradation or which might affect surface waters or wetland areas are best regulated under general or individual WDRs.

The waiver of WDRs (but not RWDs) for disposal of dredge material to land from minor dredging operations should be continued, provided that:

- If the dredged material may contain constituents that are potentially hazardous or at concentrations that could impair beneficial uses of receiving water, the discharger must provide a chemical analysis of the fine (silt and clay) portion of the substrate material and a written waste management plan (WMP) describing BMPs which will be employed to prevent excess erosion and prevent runoff from the emplaced sediments; and
- Excludes: disposal of dredge material from mining operations.

4. Inert Solid Waste Disposal: “Inert wastes” is defined in Title 27 Section 20230(a) as “that subset of solid waste that does not contain hazardous waste or soluble pollutants at concentrations in excess of applicable water quality objectives, and does not contain significant quantities of decomposable waste”.

The disposal of “Inert Solid Wastes” is covered under Statewide General Order No. 2003-0003-DWQ for low threat discharges to land. Specific requirements include: (1) limited to operations covering two acres of land or less, (2) does not contain hazardous waste or soluble pollutants at concentrations in excess of water quality objectives or contain significant quantities of decomposable waste. The requirements include a list of acceptable inert wastes, other potential inert wastes not included on the list must be approved by the Regional Water Board prior to disposal.

With the existence of General Order No. 2003-0003-DWQ, the waiver of WDRs and RWDs for Inert Solid Waste disposal should be renewed only for a short-term one-time disposal. Inert Solid Waste disposal operations of more than a few month’s duration should be regulated under the General Order or an individual waiver or WDRs.

5. Test Pumping Of Fresh Water Wells: Many public and private well owners need to periodically discharge potable or relatively contaminant-free water generated when a well is developed or maintained, or from the periodic discharge of purge water from monitoring wells in instances where there is no threat to water quality or nuisance. Water quality parameters of concern for this type of discharge are generally suspended material, turbidity, and chlorine, which are primarily a concern to surface water. High volume discharges have the potential to impact adjacent property owners or surface water and BMPs such as berms or setbacks should be employed to prevent excessive erosion or runoff conditions. Discharge of water to land from development and testing of fresh water wells, including monitoring wells, is covered under the Statewide General Order No. 2003-0003-DWQ for low threat discharges to land, which specifies that the discharge shall remain onsite and not be discharged in a manner such as to cause ponding or threaten discharge to surface waters.

The waiver of WDRs and RWDs for those discharges generated from a single one time discharge during testing or development of an individual domestic or irrigation supply well, or purge water from routine sampling of monitoring wells as part of a compliance monitoring program should continue, provided that:

- The discharge remains on the designated property, unless there is a signed use agreement; and
- The discharge shall not be conducted in a manner such as to cause nuisance conditions or threaten surface waters; and
- Excludes discharge from wells associated with a cleanup or remediation project unless conducted under an approved cleanup or remediation management plan.

6. **Swimming Pool Discharges:** Pool water discharges are infrequent, low to high volume discharges that are relatively free of waste constituents. In urban areas, disposal of pool water is regulated by municipalities, which typically have engineered stormwater systems that may require a pool drainage permit before discharge. Areas that do not have engineered stormwater systems depend on land discharge. Direct flow of pool water onto land provides some treatment before it enters into groundwater and is preferred over surface water discharges.

Swimming pool discharges are covered under Statewide General Order No. 2003-0003-DWQ for low threat discharges to land, but it does not contain any specific requirements for this category. The waiver of WDRs and RWDs for these discharges should be renewed for those discharges involving a single individual pool at infrequent intervals (e.g., once every three years).

7. **Construction - Dewatering Discharges:** This is a sub-type of an existing waiver for construction, which is conditional upon the use of BMPs. Dewatering discharges include extracted groundwater and water collected from cofferdams or diversions. Discharges to land, instead of to surface water, are typically one-time, non-stormwater discharges of short duration. Discharge may be to a terminal basin or used for irrigation or dust control. These discharges may be onsite or to land in the same proximity with appropriate agreement from the property owner.

Construction dewatering discharges are covered under Statewide General Order No. 2003-0003-DWQ for low threat discharges to land. This Order excludes dewatering operations in areas with unstable geologic units or expansive soils or in areas where it might conflict with existing agricultural use or Williamson Act contracts.

With the existence of General Order No. 2003-0003-DWQ, which includes low threat discharges to land from construction dewatering operations, the waiver of WDRs and RWDs for construction- dewatering discharges should be renewed only for those discharges of

limited duration of no more than a few weeks. Discharges of more than a few weeks, or requiring treatment, should be regulated under a General Order or an individual waiver or WDRs.

- 8. Hydrostatic Testing:** This category covers discharge to land of hydrostatic test water. Hydrostatic testing is generally a one-time activity used to demonstrate the integrity of pipelines and pressure vessels. Source waters for hydrostatic tests are local and, except for waste constituents picked up from the structure being tested, have like or better quality than underlying groundwater. The spent hydrostatic test waters may discharge to an impoundment for infiltration, or used for irrigation, or dust control.

Discharges of hydrostatic test water to land from new and potable water pipelines pose very little threat to groundwater quality from soluble constituents. Pipelines and tanks that have previously contained crude or refined oil and gas present a different situation. If hydrostatic testing waters are suspect, pre-discharge analytical testing must be performed.

Discharges to land from hydrostatic testing waters are covered under Statewide General Order No. 2003-0003-DWQ for low threat discharges to land. This Order does not contain any specific requirements for this category, except it excludes water used to test tanks or pipelines that have been used to store or convey any medium other than potable water unless the Discharger has demonstrated to the Regional Water Board that all residual pollutant concentrations have been reduced to levels below water quality objectives.

With the existence of General Order No. 2003-0003-DWQ, which includes low threat discharges to land from hydrostatic testing, the waiver of WDRs for discharges of hydrostatic testing waters should be renewed only for those discharges of limited duration of no more than a few weeks, provided the discharger has demonstrated to the Regional Water Board that all residual pollutants have been removed or are below water quality objectives. Discharges of more than a few weeks, or requiring treatment, should be regulated under a General Order or an individual waiver or WDRs.

The need to submit a RWD should be waived for those discharges from lines or tanks that are of such good quality (i.e., have contained potable water only) that they pose no threat to waters of the State.

- 9. Agricultural Commodity Wastes:** This category covers discharge to land of commodity wastes for agricultural use. This waiver allows for the expedient discharge of unsalvageable commodities to land under atypical situations. The primary threat occurs from possible nuisance conditions as a result of decomposition. The typical mitigation is to spread the waste over a reasonable area and plow it under as it begins to generate odors from decomposition. Sites may require berms, setbacks, and/or other measures to prevent discharge to surface water.

Because the Central Valley is one of the world's largest food producing regions, numerous scenarios can generate commodity waste. A typical commodity becomes a waste as a

result of culling, spoilage, or contamination. Processed food and processed food residuals are not included in this type of waste (e.g., whey). This waiver does not extend to dead animals or animal byproducts (i.e., flesh, organs, unprocessed hide, blood, bone, and marrow).

The California Code of Regulations (CCR), Title 3 (Food and Agriculture), Division 6 (Pesticide and Pest Control Program), section 6000 defines an “agricultural commodity” as an unprocessed product of farms, ranches, nurseries and forests (excepting livestock, poultry, and fish), that includes: fruits, vegetables, grains, legumes, animal feed and forage crops, wood, fiber, and oil crops (i.e., safflower, sunflower, corn, and cottonseed).

Generally, commodity wastes are produced as part of the seasonal wasting of culls or from a specific incident, such as the improper application of pesticide, making a field product no longer suitable for human consumption. Other instances associated with a commodity becoming a waste include transportation accidents, loss of refrigeration, or any of a variety of conditions resulting in spoilage. In most cases, when reasonably fresh and uncontaminated, the commodity waste may be used as cattle or swine feed.

Waiver of WDRs and RWDs for a limited (one-time) discharge, and WDRs (but not RWDs) for a continuous or recurring discharge, to land of agricultural commodity wastes should be continued, provided that:

- BMPs are employed to preclude the potential for nuisance conditions;
- Wastes must not be discharged in proximity to buildings occupied by people; and
- Excludes: discharge of processed food or processed food residuals (e.g., whey), dead animals, or animal byproducts.

10. Disposal of Residual Waste to Land as a Soil Amendment: This category covers discharge to land of residual wastes, previously referred to as “Industrial Wastes” for use as a soil amendment. A soil amendment is any material added to the soil to improve its physical properties, such as water retention, permeability, infiltration, pH, or to add nutrient or organic matter for plant growth. The benefit of a soil amendment is dependent on soil type, climate, and crop type. This category would not include the use of biosolids from municipal treatment plants as a soil amendment as this is generally covered under Statewide General Order No. 2004-0012-DWQ.

Residual wastes (i.e., manure, bone meal, used diatomaceous earth, dried stillage leathers from wineries, etc.) contain constituents, which when applied correctly will improve soil conditions and add needed nutrients and organic material. However, these materials can also contain additional waste constituents such as salts that can impact groundwater quality and affect beneficial uses.

Some counties (e.g., Stanislaus County) are in the process of developing their own programs, including establishment of a county ordinance to handle the discharge of solid or

semi-solid food processing residuals to land. At this time only Stanislaus County is working with the Regional Water Board to prepare and implement a countywide program for the disposal of food processing residuals to land as a soil amendment. The Regional Water Board encourages the regulation of these types of discharges by individual counties as this conserves staff resources and provides for better local oversight.

Waiver of WDRs and RWDs for the disposal of residual wastes to land as a soil amendment should be continued, provided that:

- The discharge is enrolled under an approved County Program.

Discharges in counties without an approved program or which do not qualify for coverage under a county program, should be regulated under an individual waiver or WDRs.

- 11. Water Recycling For Construction Projects And Road Dust Control:** During the late 1970s, necessity drove the increased use of reclaimed water. Unlike other types of reclamation (e.g., green belt water, power plant feed water, etc.), use of reclaimed water for construction activities and road dust suppression are typically of limited duration.

Title 22 contains criteria for a number of uses of reclaimed water, including construction and dust suppression (i.e., Section 60307(b) states that disinfected secondary-23 recycled water (as defined by section 60301.225) may be used for backfill consolidation around non-potable piping, soil compaction, concrete mixing, and dust control on roads and streets). In addition, the reclaimed water typically must be trucked to a construction site or stretch of unpaved road and the amounts used are restricted to that necessary to accomplish sound construction or minimize dust while maximizing coverage, so runoff and infiltration are unlikely. Waiver of water recycling requirements (WRRs) for construction projects and road dust suppression facilitates the reuse of reclaimed water by expediting the process. Restricting use to wastewater that has been treated to Title 22 standards and adherence to Title 22 use restrictions will protect public health.

Waiver of WRRs (but not a Report of Water Recycling or Title 22 Engineering Report) for use of recycled water for construction projects and road dust control should be continued, provided that:

- Reclaimed water must be treated to Title 22 standards by permitted recycled water producer; and
- User must certify that the discharge will conform with Title 22 restrictions and Department of Public Health (DPH) Guidelines and that the use has been approved by local and State health departments.

- 12. Projects Requiring Water Quality Certification:** Water Quality Certification is intended to protect surface waters (e.g., rivers, streams, lakes, and wetlands, including vernal pools) by ensuring that dredge or fill activities will not cause these waters to exceed State water

quality standards. As a result, this category is not directly associated with a discharge of waste to land and does not fit with the other categories included in this waiver.

By federal law, any dredge and fill activity that results in a discharge to a water of the U.S. (jurisdictional waters) requires a federal permit under section 404 of the Clean Water Act (CWA). Pursuant to Section 401 of the CWA, the federal permit must include a certification by the Regional Water Board that the dredge or fill activity will comply with State water quality standards. In 2001, the U.S. Supreme Court issued a decision that certain waters are not subject to the CWA (isolated waters). Following this ruling, most projects involving isolated waters no longer require a 404 permit. However, those isolated waters are still considered waters of the State. In either case, the California Water Code requires that the activity be regulated by WDRs or a waiver.

The original waiver (82-036) was for “projects where application for Water Quality Certification is required.” The limitation on the waiver was “where project (normally minor construction) is not expected to have a significant water quality effect and project complies with Fish and Game agreements.” The previous waiver (R5-2003-0008) continued that category. Since then, the State Water Board adopted Statewide General Order No. 2003-0017-DWQ for dredge and fill activities associated with jurisdictional waters and Statewide General Order No. 2004-0004-DWQ for dredge and fill activities associated with isolated waters. The General Order for jurisdictional waters does not specify a limit on the size of the dredge or fill activity. The General Order for isolated waters is restricted to discharges of not more than two-tenths of an acre and 400 linear feet, or not more than 50 cubic yards. The procedure to process Water Quality Certifications for dredge and fill activities is essentially identical for both the General Orders and the waiver. In both cases the permit fee and application are submitted and processed as a Water Quality Certification, and the project enrolled under either the General Order or the waiver.

This category should not be renewed as dredge and fill activities are now covered under Statewide General Orders. Projects that exceed the restrictions in the General Order for isolated waters would not be consistent with the limitations in the original waiver. Those projects would need to have individual waste discharge requirements or an individual waiver adopted for the in-stream dredge and fill activity. Disposal of dredged material on land would continue to be waived under Category 3.

- 13. Small, Short-Term Sand and Gravel Operations:** Sand and gravel operations provide aggregates for construction projects. Water is used in the process to control dust, which can result in increases in silt and sediment that is eventually discharged to land or into a holding pond. This category was included in the original General Waiver (Resolution No. 82-036) but it was not included in Resolution No. R5-2003-0008 since a general order for sand and gravel operations was to be developed. However, that general order was never finalized or adopted.

Minor sand and gravel operations are generally of short duration (e.g., less than one year). Water quality parameters of concern for this type of discharge are generally suspended

material and turbidity, which are primarily a concern to surface waters. Such water, discharged to land poses almost no threat to groundwater because suspended material and turbidity are effectively filtered out as the water percolates through the vadose zone, and is normally of better quality than the shallow zone of underlying groundwater. The discharge should be conditional upon use of BMPs to prevent erosion or runoff conditions.

While this category was not included in Resolution R5-2003-0008, it was included in the Negative Declaration adopted for the original waiver (Resolution No. 82-036).

Waiver of WDRs (but not RWDs) for discharge to land from small, short-term, sand and gravel operations should be included in the General Waiver, provided that:

- BMPs are employed to prevent excessive erosion or runoff conditions;
- The impoundment or use area poses low risk of nuisance;
- All wash waters are confined to land; and
- Excludes sand and gravel operations in stream channels or drainage courses that have the potential to discharge to surface waters.

NOT COVERED BY THE PROPOSED WAIVER

There were several types of discharge included in the original General Waiver (Resolution No. 82-036) that were not included under Resolution No. R5-2003-0008 and were not considered for renewal due to lack of demand, because they would be better handled under individual or general WDRs, a separate waiver, or because they are covered under a separate program (i.e., NPDES program). These, include:

- Clean oil containing no toxic materials;
- Stormwater runoff;
- Erosion from development;
- Pesticide rinse waters from applicators;
- Confined animal waste facilities;
- Minor stream channel alterations and suction dredging;
- Small metal mining operations;
- Food processing wastes spread to land
- Timber harvesting
- Minor hydro projects
- Irrigation return water; and
- Septic tank/leachfield systems.

REPORTING REQUIREMENTS

The waiver requires submittal of reports as directed by the Executive Officer. The reports would represent the minimum reporting threshold to monitor compliance with waiver conditions and provide data necessary for consideration of renewal of the General Waiver.

BEST MANAGEMENT PRACTICES

A condition of waiver for several types of discharge is implementation of BMPs. The set of possible BMPs for each specific type of discharge is large. In addition, BMPs are typically site-specific and can change with time as new standards and information from industry-specific studies and practices become available. In the context of this waiver, BMPs refer to the set of methods, measures, and practices employed by a particular industry practicable at the site to limit potential impacts to water quality. Examples include schedules of activities, prohibited practices, maintenance procedures, and other management practices.

CEQA

On 23 December 1981, the Regional Water Board adopted a Negative Declaration for the waiver of WDRs for 23 categories of discharges. The Negative Declaration determined that the waiver of WDRs for these discharges would not cause a significant environmental impact. There have been no significant changes in the discharges to be covered in the proposed renewal of the General Waiver, so the Negative Declaration will still apply.

ANTIDEGRADATION / RESOLUTION NO. 68-16

The discharges proposed for coverage under the General Waiver renewal are those that represent the “lowest threat” to water quality or nuisance. By virtue of waste constituent, constituent concentration, constituent control, and the conditions prescribed in the waiver the specific discharge types proposed for renewal under the General Waiver can be effectively mitigated to have little or no affect on the quality and beneficial uses of waters of the State and would, therefore, be consistent with the antidegradation policy.

RESOLUTION NO. R5-2008-0182

ATTACHMENT A CONDITIONS OF DISCHARGE FOR WAIVER OF REPORTS OF WASTE DISCHARGE AND WASTE DISCHARGE REQUIREMENTS FOR SPECIFIC TYPES OF DISCHARGE

Each person who discharges a waste type identified herein that is of very low complexity and very low threat to water quality and who meets the conditions specified herein for that type of discharge need not obtain waste discharge requirements and may commence discharge forthwith of that waste type, provided:

1. The Discharger first submits, if requested by the Executive Officer or if specified below for the discharge type or situation, a filing fee and Report of Waste Discharge (RWDs) that documents that the discharge will comply with the conditions of waiver, and obtains written approval of waiver from the Executive Officer.
2. For discharge types covered by Statewide General Order No. 2003-0003-DWQ for low threat discharges to land, the Discharger must provide information that demonstrates that the discharge is of such low-threat/duration that waiver of WDRs and RWDs is appropriate. Specifically: (a) evaporative cooling water discharges; (b) drilling muds/boring waste discharges; (c) inert solid waste disposal; (d) test pumping of fresh water wells; (e) swimming pool discharges; (f) construction dewatering discharges; and (g) hydrostatic testing.
3. The Discharger complies with the conditions in this document specific to the type of discharge and with the following general provisions:
 - a. The discharge shall neither create nor threaten to create a condition of nuisance, as defined by CWC Section 13050.
 - b. The discharge shall neither degrade the quality of waters of the State nor create or threaten to create a condition of pollution or contamination as defined by CWC Section 13050.
 - c. The discharge shall not contain waste constituents in hazardous concentrations, as defined by Title 22, California Code of Regulations (CCR), Division 4.5, Article 11.
 - d. The discharge of any waste not specifically regulated by this waiver is prohibited unless the discharger obtains waste discharge requirements or other permission from the Regional Water Board for that waste.
 - e. The discharger shall allow Regional Water Board staff reasonable access onto the affected property for the purpose of performing inspections to determine compliance with waiver conditions.
 - f. The discharger shall submit technical and monitoring reports as specified by the Executive Officer and consistent with CWC Section 13267.
 - g. Discharge of waste to wetlands, surface waters, drainage courses, or biologically sensitive areas is prohibited.
 - h. The discharger shall comply with all federal, state, county, and local laws and regulations pertaining to the discharge.
 - i. It shall not be a defense for a discharger in an enforcement action that it would have been necessary to halt or reduce its activity in order to maintain compliance with conditions of waiver.

ATTACHMENT A

WAIVER OF RWD AND WDRS FOR SPECIFIC TYPES OF DISCHARGE
WITHIN THE CENTRAL VALLEY REGION

- j. This waiver expires on [4 December 2013](#). A discharger of waste subject to a RWD shall submit a new RWD and filing fee before then for consideration of renewal of the waiver, or cease discharge.

Type of Waste Discharge	RWD and Filing Fee Required ¹	Conditions
1. Air conditioner, cooling and elevated temperature waters discharged to land	Contact Cooling Water-Yes	<ul style="list-style-type: none"> Waste constituent concentrations comparable to underlying groundwater (e.g., EC less than 500 umhos/cm over source water). Biochemical oxygen demand (BOD) must be consistently less than 30 mg/L without treatment and, if impounded, must be less than 10 lb/acre/day. If additives are used, provide the appropriate MSDS and include an analysis for metals in the RWD, especially if metal-containing algacides are used.
	Non-Contact Cooling Water-Yes	<ul style="list-style-type: none"> Waste constituent concentrations comparable to underlying groundwater (e.g., EC less than 500 umhos/cm over source water). If additives are used, provide the appropriate MSDS and include an analysis for metals in the RWD, especially if metal-containing algacides are used.
	Non-Contact Cooling Water-No ²	<ul style="list-style-type: none"> Waste constituent concentrations comparable to underlying groundwater (e.g., EC less than 500 umhos/cm over source water). Discharge is of good quality (e.g., no additives, including metal-containing algacides). One time or limited seasonal discharge.

ATTACHMENT A

WAIVER OF RWD AND WDRS FOR SPECIFIC TYPES OF DISCHARGE
WITHIN THE CENTRAL VALLEY REGION

Type of Waste Discharge	RWD and Filing Fee Required ¹	Conditions
2. Drilling muds/Boring wastes ³	No ²	<ul style="list-style-type: none"> • Drilling operations in uncontaminated soils • Drilling mud must be considered non-hazardous and contain no halogenated solvents. • Buried drilling muds must first be dried and the site restored to pre-sump conditions and covered with at least one foot of clean soil. • Sump must be greater than 100 feet from nearest surface water and bottom of the sump must be at least 5 feet above highest groundwater.
3. Disposal of dredge material to land	Yes	<ul style="list-style-type: none"> • If the dredged material may contain constituents that are potentially hazardous or at concentrations that could impair beneficial uses of receiving water, the discharger must provide a chemical analysis of the fine (silt and clay) portion of the substrate material and a written waste management plan (WMP) describing BMPs which will be employed to prevent excess erosion and prevent runoff from the emplaced sediments. • Excludes disposal of dredge material from mining operations.
4. Inert solid waste disposal ³	No ²	<ul style="list-style-type: none"> • Short-term or one time disposal of no more than a few months. • Wastes must be insoluble, without decomposable solids, and contain no "free liquids". • The site must be well constructed, managed to restrict access, and outside of natural or man made drainage courses. • Excludes tires, semi-solid wastes, dewatered sludge, liquid wastes, ash, fresh concrete solids, and any waste deemed by the Executive Officer to have the potential to degrade groundwater, even if classified as inert by Title 27.

ATTACHMENT A

WAIVER OF RWD AND WDRS FOR SPECIFIC TYPES OF DISCHARGE
WITHIN THE CENTRAL VALLEY REGION

Type of Waste Discharge	RWD and Filing Fee Required ¹	Conditions
5. Test pumping of fresh water wells ³	No ²	<ul style="list-style-type: none"> • One time discharge from testing or development of individual domestic or irrigation supply well or periodic discharge of purge water from a monitoring well as part of compliance monitoring program. • Discharge limited to on-site property, unless there is a signed use agreement. • Discharge shall not be conducted in a manner such as to cause nuisance conditions or threaten surface waters. • Excludes discharge from wells associated with a cleanup or remediation project unless conducted under an approved cleanup or remediation management plan.
6. Swimming pool discharges ³	No ²	<ul style="list-style-type: none"> • Infrequent (e.g., once every three years) • Single pool
7. Construction – dewatering discharges ³	No ²	<ul style="list-style-type: none"> • Limited volume and duration of no more than a few weeks. • The impoundment or use area must pose low risk of nuisance and the water must infiltrate/evaporate within 72 hours.
8. Hydrostatic testing ³	Yes	<ul style="list-style-type: none"> • Limited volume and duration of no more than a few weeks. • Provide data to demonstrate that all residual pollutants have been removed or are below water quality objectives. • The impoundment or use area must pose low risk of nuisance and the water must infiltrate/evaporate within 72 hours.
	No ²	<ul style="list-style-type: none"> • Testing on existing lines or tanks used for potable water only or new lines or tanks that have only ever contained potable water.

ATTACHMENT A

WAIVER OF RWD AND WDRS FOR SPECIFIC TYPES OF DISCHARGE
WITHIN THE CENTRAL VALLEY REGION

Type of Waste Discharge	RWD and Filing Fee Required ¹	Conditions
9. Agricultural commodity wastes	Recurring Discharge- Yes One-time Discharge- No²	<ul style="list-style-type: none"> • An “agricultural commodity waste” is an unprocessed product excepting livestock, poultry, and fish that becomes a waste as a result of culling, spoilage, or contamination. • BMPs are employed to preclude the potential for nuisance conditions. • Wastes must not be discharged in close proximity to buildings occupied by people. • Excludes discharge of processed food or processed food residuals (e.g., whey), dead animals, or animal byproducts.
10. Disposal of residual waste to land as a soil amendment (previously - Industrial wastes utilized for soil amendments)	No²	<ul style="list-style-type: none"> • The discharge is enrolled under an approved County Program.
11. Water reclamation for construction projects and road dust control	Yes	<ul style="list-style-type: none"> • Reclaimed water must be treated to CCR Title 22 standards by permitted recycled water producer. • User must certify that the discharge will conform with Title 22 restrictions and Department of Public Health Guidelines and that the use has been approved by local and State health departments.
12. Projects Requiring Water Quality Certification issued by the Regional Water Board		<ul style="list-style-type: none"> • Not renewed

ATTACHMENT A

WAIVER OF RWD AND WDRS FOR SPECIFIC TYPES OF DISCHARGE
WITHIN THE CENTRAL VALLEY REGION

Type of Waste Discharge	RWD and Filing Fee Required ¹	Conditions
13. Small, Short-Term Sand and Gravel Operations	Yes	<ul style="list-style-type: none">• BMPs are employed to prevent excessive erosion or runoff conditions.• Impoundment or use area must pose low risk of nuisance.• All wash waters are confined to land.• Excludes sand and gravel operations in stream channels or drainage courses that have the potential to discharge to surface waters.

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- 1 Does not preclude the Executive Officer from requesting a RWD for a specific project as necessary to perform an evaluation of the discharge.
 - 2 Applicant should contact staff regarding applicability of the discharge meeting the conditions of the waiver without need for a RWD.
 - 3 Covered by Statewide General Order No. 2003-0003-DWQ for low threat discharges to land. For those categories that are covered by both, the waiver should only apply to those discharges that represent the very lowest threat to water quality.

kc/DKP: 10/27/08